

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PUGET SOUNDKEEPER ALLIANCE,

Plaintiff,

v.

SSA TERMINALS LLC,

Defendant.

CASE NO. C11-1617-JCC

ORDER

This matter comes before the Court on Defendant’s motion for protective order (Dkt. No. 39). Having thoroughly considered the parties’ briefing and the relevant record, the Court finds oral argument unnecessary and hereby DENIES the motion for the reasons explained herein.

In another case involving the same attorneys and similar issues, the plaintiff used non-confidential portions of a videotaped deposition in an advertisement after the close of litigation. *RE Sources for Sustainable Communities v. Pacific Int’l Terminals, Inc.*, No. C11-2076-JCC. This Court denied a motion for sanctions and to amend the stipulated protective order. *Id.* (Dkt. No. 151.) In doing so, this Court noted that the defendant was seeking an amended order that would apply to all documents, and that “this type of overbroad request does not meet the standard for a protective order.” *Id.* at 7.

In this case, Defendant seeks a blanket protective order restraining the parties’ use of material disclosed in discovery. (Dkt. No. 39.) Defendant’s proposed order would apply to all

1 documents and testimony obtained or generated in discovery and would prevent any non-
2 litigation use of these materials. (*Id.* at 2.)

3 A party seeking a protective order “bears the burden, for each particular document it
4 seeks to protect, of showing that specific prejudice or harm will result if no protective order is
5 granted.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1130 (9th Cir. 2003). As this
6 Court has already recognized, case law suggests that protective orders are appropriate based on
7 “the specific harm a litigant would face if specific discovery materials were publically
8 disclosed.” *RE Sources for Sustainable Communities*, No. C11-2076-JCC (Dkt. No. 151 at 6 n.2)
9 (citing many of the same cases upon which Defendant relies in its motion).

10 The Court will entertain motions for protective orders that are appropriately tailored and
11 meet this standard. But the Court declines to grant Defendant’s overbroad request for a blanket
12 protective order covering all non-litigation uses of all discovery materials. The Court also
13 declines to craft from scratch an appropriately narrow order for Defendant.

14 For the foregoing reasons, Defendant’s motion for a protective order (Dkt. No. 42) is
15 DENIED.

16 DATED this 2nd day of June 2014.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE